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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER UBER, NATHAN C	
			ART UNIT 4143	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/518,686	<b>Applicant(s)</b> ANTTILA ET AL.	
	<b>Examiner</b> NATHAN C. UBER	<b>Art Unit</b> 4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>17 December 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the national stage entry filed on 17 December 2004.
2. Claims 1-23 are currently pending and have been examined.

### **Priority**

3. Examiner acknowledges receipt and completion of all requirements under 35 U.S.C. 371 on 17 December 2004.

### **Information Disclosure Statement**

4. The Information Disclosure Statement filed on 17 December 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### **Specification**

5. The abstract of the disclosure is objected to because it was not filed on a separate sheet of paper. Correction is required. See MPEP § 608.01(b).

### **Claim Objections**

6. Claims 22 and 23 are objected to because of the following informalities: utilizing and initializing are misspelled. Similar spelling/grammatical errors abound through out the claims (use of "a" rather than "an" in Claim 16 for example). Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claim 23 recites the limitation "said calendar". There is insufficient antecedent basis for this limitation in the claim.
9. Regarding claims 2, 5, 8, 9, 11, 20 and 22, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
10. Regarding claims 16-19, the word "means" is preceded by the word(s) "of said..." in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).
11. Claims 2-11, 19 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims all recite lists, however applicant delimits the lists either in the alternative by using the word "or" or the phrase "and/or" or applicant fails to delimit the list entirely. Although lists in the alternative form are not *per se* indefinite, in every example in the claims above the use of the alternative form renders the claims indefinite because the metes and the bounds of the invention cannot be ascertained. In the claims where examiner fails to delimit the list entirely (see at least Claim 22), examiner assumes that applicant intended to delimit the list in the alternative form consistent with the other lists in the claims. For guidance on properly claiming limitations in the alternative form please see MPEP §2173.05(h).
12. Claims 1, 5, 6, 10, 11, 14-16, 18, 19, 20, 22 and 23 and their dependents are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above claims contain at least one of the following terms which were either ill-defined in the specification or were used inconsistently in the claims and as a result rendered the claims indefinite. For the purposes of this examination examiner interpreted each term as shown below.

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- Event = content/media service
- Application = content/media service
- Event manager = server and database
- Promotion message request = a trigger to send a promotion message
- Register = database
- Associating = storing/recording
- Calendar operations = *storing or retrieving any form for time related data e.g. alerts, meetings or special days* (see page 23 of the Specification, Line 17-18)
- Electronic program guide = database
- Signal = message

### Claim Rejections - 35 USC § 101

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 3, 5, 11 and 20 are rejected under 35 U.S.C. 101 because the claims are directed to non-statutory subject matter. The claims recite a mere arrangement of data or the composition of information in the context of a system which is nonfunctional descriptive material. Descriptive material is nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. See also *In re Warmerdam*, 33 F.3d 1354, 1360-61, 31 USPQ2d 1754, 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory).
15. Claims 12-15 are rejected under 35 U.S.C. 101 because the claims are directed to neither a “process” nor a “machine,” but rather embrace or overlap two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of

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invention in the alternative only. See *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990), at 1551. See also MPEP 2173.05(p)(II). Here every claim contains the language “system” and “said [component]” which denotes a further limitation of previously claimed machine, however the only limiting features of the claims uses the language “adapted to” and then continues to describe what the component does and when, which suggests some sort of method or process.

### **Claim Rejections - 35 USC § 102**

- 16.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 17. Examiner’s Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
- 18.** Claims 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Strietzel (U.S. 2001/0051517).

#### **Claims 16 and 18:**

Strietzel, as shown, discloses the following limitations:

- *initiating said promotion message by means of a event manager* (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means,” the Strietzel disclosure further includes numerous triggering events that initiate the processing means),
- *forwarding a promotion message request to a promotion server* (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means,” the Strietzel disclosure further includes numerous triggering events that initiate the processing means),
- *transmitting said promotion message to said one or more communication terminals by means of a promotion server connected to said one or more communication terminals through a first communication network* (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means”) The Strietzel invention does explain or claim how signals or requests are routed between the various components that comprise the communication system, however it is obvious that some messages/signals/triggers/or possibly human intervention is causing various components to interact such that advertisements are associated with the proper sources and recipients and the messaged are transmitted,
- *receiving said promotion message from said promotion server by means of said one or more communication terminals* (see at least ¶0055, “[in]...a cellular network, or a paging network can stay on after the communication transaction is over and receive options or a menu allowing the party to select to receive more information about a particular product or service... the user

can actually select to be connected directly to the company offering the products or service”),

- *accepting said promotion message by transmitting an acceptance signal to said promotion server by means of said one or more communication terminals* (see at least ¶0042, “...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on the information determined” and ¶0066, “...in one embodiment, after the completion of the communication the user can press a specific key to indicate that they would like to receive more information”),
- *receiving said acceptance signal from an accepting communication terminal of said one or more communication terminals by means of said promotion server* (see at least ¶0042, “...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on the information determined”),
- *associating said accepting communication terminal with said promotion message on reception of said acceptance signal from said accepting communication terminal by means of a register of said promotion server* (see at least ¶0042, “...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on the information determined” keeping in mind ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means”),
- *transmitting a reminder signal for said event to said accepting communication terminal through said first communication network by means of said promotion server* (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means”).

**Claim 17:**



Strietzel, as shown, discloses the following limitations:

- *said method further comprises forwarding said promotion message to further communication terminals connected to said first communication network by means of said one or more communication terminals* (see at least ¶0081, “[i]n one embodiment, advertisements received on a terminal can be forwarded to all or some of the stored phone numbers”).

### Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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22. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strietzel (U.S. 2001/0051517) in view of Asai et al. (U.S. 7,103,678).

**Claim 1:**

Strietzel does not disclose the following limitation, however, Asai, as shown, does:

- *an event manager for providing said event to one or more receivers starting from said defined start time* (see at least the Abstract of the disclosure, “[a] distribution apparatus for distributing digital contents to an addressee terminal, which included a contents storage unit for storing digital contents...”),

Strietzel, as shown, discloses the following limitations:

- *generating a promotion message request* (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means,” the Strietzel disclosure further includes numerous triggering events that initiate the processing means),
- *a promotion server for communicating said promotion message to said one or more communication terminals through at least one communication network in response to receiving said promotion message request from said event manager through a connection interconnecting said event manager and said promotion server* (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means”),
- *said one or more communication terminals being adapted to respond to said promotion message by communicating an acceptance signal through said at least one communication network to said promotion server* (see at least ¶0055, “[in]...a cellular network, or a paging network can stay on after the communication transaction is over and receive options or a menu allowing the party to select to receive more information about a particular product or

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service... the user can actually select to be connected directly to the company offering the products or service”),

- *said promotion server comprising a register for associating an accepting communication terminal of said one or more communication terminals with said promotion message on reception of said acceptance signal from said accepting communication terminal (see at least ¶0042, “...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on the information determined”),*
- *and said promotion server being adapted to communicate a reminder signal for said event to said accepting communication terminal through said first communication network (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means”).*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to couple the digital content distribution system of Asai with the similarly capable advertisement/message distribution system of Strietzel to achieve a system capable of promoting content and then distributing it upon request because such a combination achieves greater exposure for the content owners and allows them to potentially sell their content to a wider audience at a lower promotion and distribution cost.

**Claim 2:**

The combination of Strietzel/Asai discloses the limitations of the preceding claim as shown in the rejection above. Furthermore, Strietzel, as shown, also discloses the following limitation:

- *said communication terminal comprises terminals such as mobile or cellular phones, personal office assistants, personal computers or any combination*

*thereof* (see at least ¶0056, "[t]he device could be, for example, a telephone, cellphone, PDA, or computer...").

**Claim 3:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitation:

- *said promotion message comprises a text, a series of texts, a picture, a series of pictures, a video sequence, a series of video sequences, an audio track, a series of audio tracks, or any combinations thereof* (see at least ¶0038, "the advertisement may be an audio advertisement, it may be a jingle, a textual message, a video message, a graphic message, or a combination of these messages depending on the desired implementation").

**Claim 4:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Asai, as shown, also discloses the following limitation:

- *said one or more receivers comprises a television, a radio, a set-top box, a receiver module for a computer, a multimedia terminal, a mobile or cellular phone, a personal office assistant, a personal computer, or any combination thereof* (see at least Figure 1 and the accompanying description in column 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to ensure the advertisement/message distribution system of Strietzel had the same distribution capabilities/compatibility as the Asai invention because such a combination achieves greater exposure for the content owners and allows them to potentially sell their content to a wider audience at a lower promotion and distribution cost.

**Claim 5:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitation:

- *said promotion message request comprises information such as said start time, end time of said event, duration of said event, event identity, event type, event presentation platform, promotion message, list of said receivers and said one or more communication terminals, or any combination thereof (see at least ¶0042, "...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on..." "...destination, type of communication, time of day, etc...").*

**Claim 6:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Asai, as shown, also discloses the following limitation:

- *said event presentation platform comprises a television, a radio, a set-top box, a receiver module for a computer, a multimedia terminal, a mobile or cellular phone, a personal office assistant, a personal computer, or any combination thereof connected a media communication network, and a network broadcaster (see at least Figure 1 and the accompanying description in column 4).*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to ensure the advertisement/message distribution system of Strietzel had the same distribution capabilities/compatibility as the Asai invention because such a combination achieves greater exposure for the content owners and allows them to potentially sell their content to a wider audience at a lower promotion and distribution cost.

**Claim 7:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Asai, as shown, also discloses the following limitation:

- *said media communication network comprises a cable television network, a satellite television network, a radio frequency television network, a telephone network, a powerline network, a radio network or any combination thereof (see at least Figure 1 and the accompanying description in column 4).*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to ensure the advertisement/message distribution system of Strietzel had the same distribution capabilities/compatibility as the Asai invention because such a combination achieves greater exposure for the content owners and allows them to potentially sell their content to a wider audience at a lower promotion and distribution cost.

**Claim 8:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Asai, as shown, also discloses the following limitation:

- *said first communication network comprises a wired or wireless telecommunication network, local area network, metropolitan area network, wide area network, or inter-network such as the Internet, a dedicated communication line, or any combination thereof (see at least Figure 1 and the accompanying description in column 4).*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to ensure the advertisement/message distribution system of Strietzel had the same distribution capabilities/compatibility as the Asai invention because such a combination achieves greater exposure for the content owners and allows them to potentially sell their content to a wider audience at a lower promotion and distribution cost.

**Claim 9:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Asai, as shown, also discloses the following limitation:

- *said connection comprises a wired or wireless telecommunication network, local area network, metropolitan area network, wide area network, or inter-network such as the Internet, a dedicated communication line, or any combination thereof (see at least Figure 1 and the accompanying description in column 4).*

It would have been obvious to one having ordinary skill in the art at the time the invention was made to ensure the advertisement/message distribution system of Strietzel had the same distribution capabilities/compatibility as the Asai invention because such a combination achieves greater exposure for the content owners and allows them to potentially sell their content to a wider audience at a lower promotion and distribution cost.

**Claim 10:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitations:

- *a storage device for storing said register, said reminder, said promotion message (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played),*
- *a processor for processing communication with said one or more communication terminals, for processing said promotion message request from said event manager, and for updating content of said storage device (see at least ¶0042, “...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on the information determined”).*

**Claim 11:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitations:

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- *said register comprises information such as promotion message identity (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”),*
- *one or more communication terminal identities (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”),*
- *event data such as event title, event type, event presentation platform, event identity and/or event actions (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”),*
- *time data such as said start time, end time of said event, duration of said event (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”),*
- *group application data such as a group identity comprising one or more communication terminal identities and/or group actions to be performed; or any combination thereof (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”).*

**Claim 12:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitations:

- *said one or more communication terminals is adapted to forward said promotion message from said one or more communication terminals to further communication terminals connected in said first communication network (see at least ¶0081, “[i]n one embodiment, advertisements received on a terminal can be forwarded to all or some of the stored phone numbers”).*



**Claim 13:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitations:

- *wherein an accepting communication terminal of said further communication terminals is adapted to respond to said promotion message by communicating an acceptance signal through said first communication network to said promotion server (see at least ¶0055, “[in]...a cellular network, or a paging network can stay on after the communication transaction is over and receive options or a menu allowing the party to select to receive more information about a particular product or service... the user can actually select to be connected directly to the company offering the products or service”),*
- *said promotion server is adapted to associate said accepting communication terminal of said further communication terminals with said promotion message on reception of said acceptance signal from said accepting communication terminal (see at least ¶0042, “...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on the information determined”),*
- *said promotion server being adapted to communicate a reminder signal to said accepting communication terminal through said first communication network (see at least ¶0007, “[t]he telecommunications advertising means comprises an advertisement database and a processing means”).*

**Claim 14:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitations:

- *wherein an accepting communication terminal of said further communication terminals is adapted to respond to said promotion message by*

*communicating an acceptance signal through said first communication network to said one or more communication terminals (see at least ¶0055, "[in]...a cellular network, or a paging network can stay on after the communication transaction is over and receive options or a menu allowing the party to select to receive more information about a particular product or service... the user can actually select to be connected directly to the company offering the products or service"),*

- *said one or more communication terminal comprises a local register for associating an accepting communication terminal of said further communication terminals with said promotion message on reception of said acceptance signal from said accepting communication terminal (see at least ¶0042, "...processing means selectively associates at least one advertisement with the source and/or destination of the communication based on the information determined"),*
- *said one or more communication terminals is adapted to communicate a reminder signal to said accepting communication terminal through said first communication network (see at least ¶0007, "[t]he telecommunications advertising means comprises an advertisement database and a processing means").*

**Claim 15:**

The combination of Strietzel/Asai discloses the limitations as shown in the rejections above. Furthermore, Strietzel, as shown, also discloses the following limitations:

- *said one or more communication terminals are adapted to start a predetermined application when receiving said reminder signal (see at least ¶0038, "the advertisement may be an audio advertisement, it may be a jingle, a textual message, a video message, a graphic message, or a combination of these messages depending on the desired implementation").*

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23. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strietzel (U.S. 2001/0051517).

**Claim 19:**

Strietzel, as shown, discloses the following limitations:

- *a messaging module for transmitting and receiving messages through said first communication network (see at least Figure 1, 106 Router),*
- *a calendar module for enabling a user of said communication terminal to perform general calendar operations (see at least Figure 1, 102 Message Database) based on applicants definition of calendar operations, see 35 U.S.C. 112 rejections above, it would have been obvious to one of ordinary skill in the art at the time of the invention to include additional data such as calendar operations within the message database because this will provide a central location for information all data pertaining to advertisements and thus faster access to necessary data and improved functionality.*
- *a media playback module for outputting said promotion message (see at least Figure 1, 106 Router),*
- *a storage module for storing promotion message information (see at least Figure 1, 102 Message Database),*
- *and a promotion messaging module for receiving and transmitting said promotion message (see at least Figure 1, 106 Router).*

**Claim 20:**

Strietzel, as shown, discloses the following limitations:

- *wherein said promotion message information comprises promotion message identity (see at least ¶0021, "[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria"),*

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- *one or more communication terminal identities* (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”),
- *event data such as event title, event type, event presentation platform, event identity and/or event actions* (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”),
- *time data such as said start time, end time of said event, duration of said event* (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”),
- *group application data such as a group identity comprising one or more communication terminal identities and/or group actions to be performed; or any combination thereof* (see at least ¶0021, “[a]dvertisement database stores advertisements that can be played to system users at appropriate times based on appropriate criteria”).

**Claim 21:**

Strietzel, as shown, discloses the following limitations:

- *wherein said communication terminal further comprises a display and loudspeaker for communicating said promotion message to a user of said communication terminal* (see at least ¶0038, “the advertisement may be an audio advertisement, it may be a jingle, a textual message, a video message, a graphic message, or a combination of these messages depending on the desired implementation” and at least ¶0056, “[t]he device could be, for example, a telephone, a cellphone, PDA, or computer...”). Although Strietzel does not specifically require or disclose a display and loudspeaker, Strietzel

contemplates such devices being present in a given receiver depending on the receiver and the supporting network.

**Claim 22:**

Strietzel, as shown, discloses the following limitations:

- *said storage module is adapted to store a promotion message and identity information comprising transmitter identity and associated messaging contact information, recipient identity and associated messaging contact information, media event information such as identity code, name or title, start time and end time, and group application data (see at least Figure 1, 102 Message Database) Examiner takes official notice that databases store data,*
- *which data is adapted to initialise and starting a reminder application in response to receiving said reminder signal on said communication terminal (see at least Figure 1, 104 Processing Means).*

**Claim 23:**

Strietzel, as shown, discloses the following limitations:

- *further comprises a means for utilising an electronic program guide containing information on media events said means for utilising being adapted in cooperation with said calendar to provide a reject signal when said communication terminal is busy (see at least Figure 1, 104 Processing Means).*

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### **Conclusion**

- 24.** Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A Reagan** can be reached at **571.270.6710**.
- 25.** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
- 26.** Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to **571-273-8300**.

- 27.** Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 4143

22 January 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143